

(am) "Federal act" means the federal clean air act, 42 USC 7401 et seq., and regulations issued by the federal environmental protection agency under that act.

(b) "Nonexempt vehicle" means any motor vehicle as defined under s. 340.01 (35) which is owned by the United States or which is required to be registered in this state and to which one or more emission limitations adopted under s. 144.42 (2) applies.

(c) "Nonfleet vehicle" means any nonexempt vehicle except a motor vehicle owned or leased by a person holding a fleet emissions inspection station permit under sub. (14).

(2) PROGRAM ESTABLISHED. The department shall establish an inspection and maintenance program as provided in this section.

(3) PURPOSE. (a) The inspection and maintenance program shall be designed to determine compliance with the emission limitations promulgated under s. 144.42 (2) and compliance with s. 144.42 (6).

(c) The inspection and maintenance program may be designed to provide information on the fuel efficiency of nonexempt vehicles.

(d) The inspection and maintenance program shall be designed and operated to comply with the requirements of the federal act.

(4) DEPARTMENTAL COOPERATION. The department shall consult and cooperate with the department of natural resources in order to efficiently and fairly establish and administer the program established under this section.

(5) COUNTIES. The department shall operate the inspection and maintenance program in each of the following counties:

(a) Any county identified in a certification under s. 144.42 (3). The department shall terminate the program in the county at the end of the contractual period in effect when the county is withdrawn under s. 144.42 (4).

(b) Any county whose board of supervisors has adopted a resolution requesting the department to establish an inspection and maintenance program in the county for the purpose of improving ambient air quality beyond the standards mandated by section 7409 of the federal act. The department shall terminate the program in the county at the end of the contractual period in effect when the county board adopts a resolution requesting termination of the program.

(6) MANDATORY TESTING AND INSPECTION. (a) The program shall require an emissions test under sub. (11) as follows:

1. For a nonexempt vehicle required to be registered annually in this state, within 90 days prior to renewal of registration in the 2nd, 4th and 6th years after the nonexempt vehicle's model year and every year thereafter.

2. For a nonexempt vehicle required to be registered annually in this state, within the period of time specified by the department under sub. (9) (d) of registration other than renewal if the year of registration is at least 6 years after the nonexempt vehicle's model year.

3. For a nonexempt vehicle that is registered under s. 341.26 (2m) or is owned by the United States, at any time during the 2nd, 4th and 6th years following the nonexempt vehicle's model year and every year thereafter.

(b) The program shall require an air pollution control equipment inspection to determine compliance with s. 144.42 (6) as follows:

1. For a nonexempt vehicle required to be registered annually in this state and with a model year of 1975 or later, within 90 days prior to renewal of registration beginning in the 6th year after the nonexempt vehicle's model year and every 3rd year thereafter.

2. For a nonexempt vehicle required to be registered annually in this state and with a model year of 1975 or later,

**110.20 Motor vehicle emission inspection and maintenance program. (1) DEFINITIONS.** In this section, unless the context requires otherwise:

(ac) "Air pollution control equipment" has the meaning given in s. 144.42 (6) (a) 1.

within the period of time specified by the department under sub. (9)(d) of registration if the year of registration other than renewal is at least 6 years after the nonexempt vehicle's model year.

3. For a nonexempt vehicle that is registered under s. 341.26 (2m) or is owned by the United States and that has a model year of 1975 or later, at any time during the 6th year after the nonexempt vehicle's model year and every 3rd year thereafter.

4. For a nonexempt vehicle with a model year of 1974 or earlier, at the time of application for a waiver under sub. (13).

(7) **VOLUNTARY INSPECTIONS.** The inspection and maintenance program shall require inspection of any nonexempt vehicle which a person presents for inspection at an inspection station.

(8) **CONTRACTORS.** (a) The emissions test and equipment inspection of nonfleet vehicles shall be performed by persons under contract with the department. The contract shall require the contractor to operate inspection stations for a minimum of 5 years and shall provide for equitable compensation to the contractor if the operation of an inspection and maintenance program within any county is terminated within 5 years after the inspection and maintenance program in the county is begun. No officer, director or employee of the contractor may be an employee of the department or a person engaged in the business of selling, maintaining or repairing motor vehicles or of selling motor vehicle replacement or repair parts. The department shall require the contractor to operate a sufficient number of inspection stations, permanent or mobile, to ensure public convenience in those counties identified under sub. (5).

(b) The department may require the contractor to test the fuel efficiency of nonfleet vehicles during emission inspections.

(c) The department may delegate to the contractor specified registration functions of the department under ch. 341. The department may direct the contractor to perform specified registration functions under ch. 341.

(cm) The department may delegate to the contractor functions associated with the issuance of the temporary waiver certificate under sub. (10)(b) or the waiver of compliance under sub. (13)(a) or both.

(d) No inspection station may be established within 0.5 mile of an air monitoring station which reported a violation during the period from 1976 to 1979 of the carbon monoxide primary national ambient air quality standard as defined by the department of natural resources.

(e) The contractor shall collect, maintain and report data as the department requires. The department shall reserve the right to enter and inspect test station premises, equipment and records at all reasonable times in the discharge of its administrative duties. The department of revenue shall audit the records of the contractor annually and shall provide for the publication of the results of audits conducted under this paragraph in the official state newspaper.

(f) When the department renews or renegotiates a contract under par. (a) in effect on August 1, 1987, the department shall require in the renewed or renegotiated contract that the contractor perform the inspections under sub. (6).

(9) **RULES.** The department shall promulgate rules which:

(a) Specify procedures for the inspection of vehicles, including the method of measuring emissions, the types of equipment which may be used in performing the measurements and the calibration requirements for the equipment. The procedures and methods shall be capable of being correlated with the federal test procedures established under section 7525 of the federal act.

(b) Prescribe a procedure for determining whether the cost of necessary repairs and adjustments exceeds the limit under sub. (13).

(c) Specify procedures under which a vehicle may be refused inspection for safety reasons or for defects which would result in inaccurate measurement of emissions.

(d) Specify a period of time during which an emissions test or an air pollution control equipment inspection must be performed for a nonexempt vehicle subject to sub. (6)(a) 2 or (b) 2.

(10) **RECIPROCITY; TEMPORARY CERTIFICATE.** The department may promulgate rules which:

(a) Authorize the acceptance of an inspection performed in another state instead of an inspection required under this section if the inspection in the other state was performed under procedures, requirements and standards comparable to those required under this section and it satisfies the requirements of the federal act.

(b) Authorize the issuance of a temporary waiver certificate, valid for not more than 30 days, to allow time for inspection and necessary repairs and adjustments of any motor vehicle subject to inspection under sub. (6).

(10m) **REINSPECTION.** The owner of a nonexempt vehicle inspected under this section is entitled, if the inspection determines that any applicable emission limitation is exceeded, to one reinspection of the same vehicle at any inspection station within this state if the reinspection takes place within 30 days after the initial inspection or the owner presents satisfactory evidence that the repairs and adjustments which were performed on the vehicle could not have been made within 30 days of the initial inspection.

(11) **INSPECTION TESTS; RESULTS.** (a) The contractor shall perform the tests required under the federal act. The tests shall include one of the approved short tests required by the federal act to determine compliance with applicable emission limitations for carbon monoxide and hydrocarbons. In addition, the contractor shall perform a loaded test if the approved short test shows that the motor vehicle does not comply with one or more applicable emissions limitations and the motor vehicle is suitable for loaded testing as determined by the department, unless the approved short test is a loaded test or the person presenting the vehicle for inspection refuses the loaded test. The department may require the contractor to provide information on the fuel efficiency of the motor vehicle as part of a loaded test.

(b) The department shall require the contractor to furnish the results of the inspection testing in writing to the person presenting the vehicle for inspection before he or she departs from the testing station. If the inspection shows that the vehicle does not comply with one or more applicable emissions limitations, the results shall include, to the extent possible, a description of the noncompliance and, if a loaded test was performed, the adjustments or repairs likely to be needed for compliance.

(12) **REPAIRS.** Repairs or adjustments necessary to bring a vehicle into compliance with applicable emissions limitations are the responsibility of the vehicle owner and may be made by the owner or any person selected by the owner.

(13) **REPAIR COST LIMIT.** (a) The department shall issue a waiver of compliance valid for one year if the owner presents satisfactory evidence to the department that the actual costs of repairs performed on a vehicle in accordance with an inspection report under sub. (11)(b) exceeded the repair cost limit established under par. (b).

(b) The department of natural resources shall, by rule, establish the amount of the repair cost limit to equal the amount required under 42 USC 7511a (b) 4 or (c) (3) (C).

(c) In determining the costs of repairs and adjustments included in the repair cost limit, the following costs shall be excluded:

1. Costs covered by any warranty.
2. Costs necessary to repair or replace any emissions control system or mechanism which has been removed, dismantled or rendered inoperative in violation of s. 144.42 (6) or rules promulgated under that section.

**(14) FLEET INSPECTION PERMITS.** (a) Any owner or lessee of at least 15 motor vehicles subject to inspection under sub. (6) may apply to the department for a permit to establish a fleet emissions inspection station.

(b) The department shall issue a fleet emissions inspection station permit if the department determines that the applicant:

1. Maintains and repairs the fleet vehicles on a regular basis;
2. Has available the equipment and trained personnel required to perform emissions tests and equipment inspections in accordance with the procedures promulgated under subs. (6) and (9) (a) and s. 144.42 (6); and
3. Agrees to maintain and report to the department data required by rule of the department and to permit agents of the department to enter and inspect the test station premises, equipment and records at all reasonable times.

(c) A person holding a fleet emissions inspection station permit shall provide for the emissions test and equipment inspection of each fleet vehicle subject to inspection under sub. (6) and shall report the results of the inspection to the department as required by its rules. A person holding a fleet

emissions inspection station permit may not certify compliance of nonfleet vehicles.

**History:** 1979 c. 274; 1981 c. 20; 1983 a. 27; 1987 a. 27, 218; 1989 a. 56; 1991 a. 39, 302.

**110.21 Education and training related to motor vehicle emissions.** The department shall conduct a program of public education related to the motor vehicle emission and equipment inspection and maintenance program established under s. 110.20 (6). The program under s. 110.20 (6) may include a pilot project of motor vehicle emissions inspections for those owners who elect to present their motor vehicles for inspection.

**History:** 1979 c. 274; 1987 a. 27; 1991 a. 39.